

CAMPAIGN SPENDING COMMISSION

STATE OF HAWAII

In Re the Matter of)	CA 05-08
)	
NISHIMURA KATAYAMA & OKI, INC.)	
and George Nishimura,)	
)	
Respondents.)	
_____)	

CONCILIATION AGREEMENT

On or around March 2003, Robert Y. Watada, Executive Director for the Campaign Spending Commission ("Commission"), initiated an investigation of Respondents, Nishimura Katayama & Oki ("NKO") and George Nishimura ("Nishimura"), Kenneth M. Katayama and Leonard F. Oki. Business Registration Division records list Nishimura Katayama & Oki's business purpose as structural engineering, whose business address is 826 Kaheka Street, Suite 302, Honolulu, Hawaii. Business registration records list Nishimura as President, Kenneth M. Katayama as Secretary and Leonard Oki as Vice-President. The investigation was initiated pursuant to the express authority of section 11-193, Hawaii Revised Statutes ("HRS"), for a determination of whether the campaign spending law had been violated and a complaint would be submitted to the Commission.

NOW, THEREFORE, NKO and Nishimura and the Commission, having entered into conciliation and pursuant to section 11-216(g), HRS, do hereby agree as follows:

- I. That the Commission has jurisdiction over Respondents and the subject matter of this administrative action.

- II. That this Conciliation Agreement ("Agreement") and upon complete performance of the conditions stated herein has the effect of remedial or corrective action taken by Respondents pursuant to section 11-216(g), HRS.
- III. That Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.
- IV. That Respondents waive the right to be heard at a public hearing conducted under chapter 91, HRS, pursuant to section 11-228(b), HRS.
- V. That Respondents enter into this Agreement with the Commission on their own volition and with full knowledge and understanding.
- VI. That parties agree to the pertinent facts as follows:
1. On or around March 2003, Robert Y. Watada, in his capacity as Executive Director of the Campaign Spending Commission, and upon information received through the disclosure statements of the candidate campaign committees of:

Ben Cayetano ("Cayetano"),
Jeremy Harris ("Harris"),
Kimo Apana ("Apana"), and
Mazie Hirono ("Hirono"),

For the 1996-2002 period, initiated an investigation involving excess or false name contributions in violation of particular campaign finance statutes.
 2. Section 11-202, HRS, reads in part as follows: No person shall make a contribution of the person's own money or property, or money or property of another person to any candidate, party, or

committee in connection with a nomination for election, or election, in any name other than the true name of the person who owns the money or who supplied the money or property.

3. The Commission finds that NKO and officers made contributions to Cayetano in the amount of \$9,000 from a company fund and a personal bank account established similar to a political action committee fund.
4. The Commission finds that NKO and officers made contributions to Harris in the amount of \$7,500 from a company fund and a personal bank account established similar to a political action committee fund.
5. The Commission finds that NKO made contributions to Harris in the amount of \$1,250 through the following individuals:

Michiyo Oki	Sept 2000	\$500,
Florence Nishimura	Sept 2000	\$500, and
Geraldine K. Ching	Sept 2000	\$250.
6. The Commission finds that NKO and officers made contributions to Apana in the amount of \$4,000 from a company fund and a personal bank account established similar to a political action committee fund.
7. The Commission finds that NKO and officers made contributions to Hirono in the amount of \$8,000 from a company fund and a personal bank account established similar to a political action committee fund.

8. NKO did not file an organizational report, pursuant to section 11-194, HRS.
9. NKO did not file all required disclosure reports, pursuant to section 11-212 and 11-213, HRS.
10. NKO did not file all required contractor reports, pursuant to section 11-205.5, HRS.

VII. Settlement Terms

As final settlement of the matter and issues in Conciliation Agreement #05-08, NKO understands and agrees to the following:

- (A) NKO agrees to an assessment of **Three Thousand Dollars (\$3,000)** pursuant to section 11-228, HRS.
 - (1) For violation of section 11-202, HRS, making false name campaign contributions to the candidate committee of Harris;
 - (2) The Commission did not find that NKO and its officers made any excess contribution in violation of section 11-204, HRS; and
 - (3) For failure to file an organizational report and required disclosure reports and contractor reports, pursuant to sections 11-212, 11-213 and 11-205.5, HRS.
- (B) NKO agrees to comply with campaign finance statutes on contribution and expenditures to candidate committees.

(C) Terms of payment of the assessment shall be by Order of the Commission.

- VIII. The Commission upon its own motion or a written request of anyone filing a complaint under section 11-216, HRS, may review compliance with the Agreement. If the Commission believes that the Agreement has been violated, it may institute administrative proceedings or a civil action in the Circuit Court of the First Circuit pursuant to section 11-228(c), HRS.
- IX. This Agreement shall become effective as of the date that all parties have signed and the Commission has approved the entire Agreement.
- X. This Agreement constitutes the entire agreement between the Commission and NKO and Nishimura on the matters raised herein, and no other statement, promise, or agreement, either in writing or oral, not contained in this Agreement made by either party or by agents of either party shall be enforceable.
- XI. This Agreement, unless violated, shall be a complete bar to any and all further action by the Commission with respect to the violations at issue in this matter and any and all other matters covered by this Agreement.
- XII. Other than what is being addressed by this Agreement, the Commission did not find, any other violation of the campaign spending laws against NKO, its officers and employees, and no further investigations of NKO, its officers and employees are pending and/or contemplated.

FOR THE COMMISSION:

Robert Y. Watada, Executive Director

By: _____

Date: _____

BY THE RESPONDENTS:

Nishimura Katayama & Oki
By its President

Name

Date: _____

Kenneth M. Katayama
Title

Date: _____

Leonard F. Oki
Title

Date: _____